

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Other Than Full and Open Competition**

**1. Contracting Activity:** Requiring Agency is the Des Moines VA, Facility Engineering and the Contracting Agency is VISN 23 Department of Veterans Affairs, VISN 23, Des Moines Medical Center

**2. Nature and/or Description of the Action Being Processed:** Justification and approval for other than full and open competition for Construction Project Number 618-CSI-201 (Des Moines), CIS/ARK site prep is to provide the electrical and data lines required in order for the facility to capture live patient monitoring for the Tele/ICU areas for Des Moines. The end result will be a firm fixed price contract awarded under FAR Part 36 using Part 15 procedures. This requirement cannot be fulfilled in-house as the Des Moines VA does not have the staff with the expertise to perform this requirement. The VA Central Iowa Health Care System, Des Moines Division plans to award this requirement as a sole source to a Service-Disabled, Veteran-Owned Small Business (SDVOSB), Covenant Construction.

**3. Description of Supplies/Services Required to Meet the Agency's Needs:** The construction will include installing electrical conduit and wiring from the telecom and electrical rooms respectively in the interstitial space above the ceiling leading to the individual patient rooms. The estimated total cost for this requirement is \$121,318.00

**4. Statutory Authority Permitting Other than Full and Open Competition:** This requirement is being set aside under Public Law (PL) 109-461, the Veterans Benefits, Health Care, and Information Technology Act of 2006, which is codified at 38 U.S.C. Sections 8127 and 8128, and specifically, Veterans Affairs Acquisition Regulation (VAAR) 819.7007 (Dec 2009), which allows for a sole source acquisition to a SDVOSB. As delineated in VAAR 189.7007 and pursuant to 38 U.S.C Section 8127(c), contracting officers may use other than competitive procedures (including sole source awards) for contracts to SDVOSBs and Veteran-Owned Small Businesses (VOSBs) where the anticipate price will exceed the Simplified Acquisition Threshold but not to exceed \$5,000,000.00. Each related award must be made to a responsible SDVOSB or VOSB at a fair and reasonable price as determined by the contracting officer. The FAR authority cited is 6.302-5, Authorized by Statute.

**5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** VAAR 819.7007 allows for a sole source acquisition to a SDVOSB. As delineated in VAAR 189.7007 and pursuant to 38 U.S.C Section 8127(c), contracting officers may use other than competitive procedures (including sole source awards) for contracts to SDVOSBs and Veteran-Owned Small Businesses (VOSBs) where the anticipated price will not to exceed \$5,000,000.00. Each related award must be made to a responsible SDVOSB or VOSB at a fair and reasonable price as determined by the contracting officer. The contracting officer has determined Covenant Construction responsible.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The Des Moines VA solicits most requirements competitively through SDVOSB set asides. The work associated with the CIS/Ark project requires gaining access into individual patient rooms. The Des Moines facility recently awarded a separate contract to Covenant Construction for the purpose of installing patient lifts in the same individual rooms. The lift project requires the contractor to isolate individual patient rooms during the lift site prep installation. In lieu of shutting the individual rooms down a second time to perform the installation of the CIS/Ark project, it would be more economic and less disruptive for patients for Covenant Construction to perform the CIS/Ark site prep installation on a parallel path with the Lift Project site prep. Utilizing a separate contractor would infringe upon Covenant Construction's ability to provide timely completion of the lift site prep, would encroach upon the warranties associated with the lift project, and will delay going live with CIS/Ark.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Covenant Construction competitively won the award for the preparation of the Lift Prep site prep, and has been forthcoming with their raw pricing for any supplemental agreements thereto. This requirement will be solicited by a Request for Proposals and the contractor will be required to provide detailed pricing. VACHICS Engineering has developed an Independent Government Estimate and all pricing will be evaluated by Engineering to ensure any awarded price will be fair and reasonable.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** None – authorized by statute.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** Award to a different contractor would be more costly to the VA and more disruptive to the patients.

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Covenant Construction.

**11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** New projects will be awarded via full and open competition after the exclusion of sources, as much as practicably possible.

**12. Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

  
Roger Fry  
Associate Chief Construction Services  
VA Central Iowa Health Care system

8-25-11  
Date

**13. Approvals in accordance with FAR 6.304**

**a. Contracting Officer's Certification:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
Sarah M. Davis  
CONTRACTING OFFICER  
Acting Facility Contract Manager  
VA Central Iowa Health Care System

8-29-11  
Date